

EXHIBIT “B”

COMPLAINT TO TRANS UNION, LLC

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6 Attorneys for Plaintiff

ENDORSED

2015 JUN 16 7 1: 51

David H. Yarnes, Clerk of the Superior Court
County of Santa Clara, California

T. NGO

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SANTA CLARA

10 LIMITED JURISDICTION > \$25,000.00

11
12 **115CV281905**

13 CASE NO.

14
15 COMPLAINT FOR DAMAGES:

16 TIM ANDERSON,

17 Plaintiff,

18 v.

19
20 Experian Information Solutions, Inc.;
21 Equifax, Inc.; TransUnion, LLC; Advanta
22 Bank Corp.; American Express Company;
23 OnPoint Community Credit Union; Wells
Fargo Home Mortgage, Inc. and DOES 1
through 100 inclusive,

24 Defendants.

1. Violation of Fair Credit Reporting Act;
2. Demand Exceeds \$10,000.00

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28 COMES NOW Plaintiff TIM ANDERSON, an individual, based on information and belief, to
allege as follows:

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3 **INTRODUCTION**

- 4 1. This case arises under the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b). Plaintiff
5 seeks redress for the unlawful and deceptive practices committed by the Defendants in
6 connection with their inaccurate reporting of Plaintiff's debt included in Plaintiff's
7 Chapter 7 bankruptcy.

8 **JURISDICTION & VENUE**

- 9 2. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and
10 every paragraph above, fully set forth herein.

11 **GENERAL ALLEGATIONS**

- 12 3. Plaintiff filed for Chapter 7 bankruptcy protection on November 9, 2012 in order to
13 reorganize and repair Plaintiff's credit.
- 14 4. On April 16, 2015 Plaintiff ordered a three bureau report from Equifax, Inc. to ensure
15 proper reporting.
- 16 5. Plaintiff noticed several tradelines all reporting misleading and or inaccurate balances
17 or past due balances owed on the account and or listed the account as transferred and or
18 charged off rather than discharged in Bankruptcy.
- 19 6. In response Plaintiff disputed the inaccurate tradelines via certified mail with Experian
20 Information Solutions, Inc.; Equifax, Inc.; and TransUnion, LLC.
- 21 7. Plaintiff is informed and believes that each credit reporting agency sent each
22 Defendant notification that plaintiff was disputing the accuracy of what it was reporting
23 to them.
- 24 8. Defendants Advanta Bank Corp.; American Express Company; OnPoint Community
25 Credit Union and Wells Fargo Home Mortgage, Inc. failed to conduct a reasonable
26 investigation and reported falsely to Experian Information Solutions, Inc.; Equifax, Inc;
27 and TransUnion LLC a *misleading* and or *inaccurate* balances or past due balances
28

1 owed on the accounts, monthly payment, and or listed the accounts as open, transferred
2 and or charged off rather than discharged in Bankruptcy.

3 9. Equifax, Inc. failed to perform its own reasonable investigation and failed to correct
4 the inaccuracies and failed to note that Plaintiff disputed the information. After the
5 statutory time period passed for Equifax, Inc. to update the report Plaintiff pulled a
6 second credit report and noticed that no updates had been made to the tradeline in
7 dispute.

8 10. Experian Information Solutions, Inc. failed to perform its own reasonable investigation
9 and failed to correct the inaccuracies and failed to note that Plaintiff disputed the
10 information. After the statutory time period passed for Experian Information Solutions,
11 Inc. to update the report Plaintiff pulled a second credit report and noticed that no
12 updates had been made to the tradeline in dispute.

13 11. TransUnion, LLC failed to perform its own reasonable investigation and failed to
14 correct the inaccuracies and failed to note that Plaintiff disputed the information. After
15 the statutory time period passed for TransUnion, LLC to update the report Plaintiff
16 pulled a second credit report and noticed that no updates had been made to the tradeline
17 in dispute.

18 12. On May 27, 2015 Plaintiff ordered a second three bureau report from Equifax, Inc. to
19 ensure proper reporting.

20 13. Plaintiff's account was in dispute but the furnisher; Experian Information Solutions,
21 Inc.; Equifax, Inc.; and TransUnion, LLC failed to correct the misleading and or
22 inaccurate statements on the account within the statutory time frame or at all.

23 14. The credit bureaus have an obligation to delete the tradeline when a response is not
24 received by the furnisher within the statutory time frame.

25 15. The actions of the Defendants as alleged herein are acts in violation of the Fair Credit
26 Reporting Act, 15 U.S.C. § 1681s-2(b).

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28 **FIRST CAUSE OF ACTION**
(Violation of Fair Credit Reporting Act)

15 U.S.C. § 1681s-2(b))
(Against Defendants and Does 1-100)

Experian Information Solutions, Inc.; Equifax, Inc. and TransUnion, LLC- Failure to Reinvestigate Disputed Information.

16. Plaintiff realleges and incorporates herein the allegation in each and every paragraph above as though fully set forth herein.

17. After plaintiff disputed the accounts mentioned above, defendants Experian Information Solutions, Inc.; Equifax, Inc. and TransUnion, LLC were required to conduct a reasonable investigation and to delete any information that was not accurate. In doing so, defendants were required to send all relevant information to the furnishers which they did not do. Defendants failed to correct the misleading and or inaccurate statements on the account within the statutory time frame or at all.

Advanta Bank Corp.; American Express Company; OnPoint Community Credit Union and Wells Fargo Home Mortgage, Inc. – Reporting Inaccurate Information to Defendants Experian Information Solutions, Inc.; Equifax, Inc. and TransUnion, LLC and Failure to Reinvestigate.

18. Plaintiff realleges and incorporates herein the allegation in each and every paragraph above as though fully set forth herein.

19. 15 USC 1681s-2 prohibits furnishers from providing any information relating to a consumer to any consumer reporting agency if the person knows or has reasonable cause to believe that the information is inaccurate or misleading and requires a furnisher to update and or correct inaccurate information after being notified by a consumer reporting agency of a dispute by a consumer.

20. Defendants Advanta Bank Corp.; American Express Company; OnPoint Community Credit Union and Wells Fargo Home Mortgage, Inc. violated section 1681s-2 by failing to conduct a reasonable investigation and re-reporting misleading and or inaccurate balances, past due balances, monthly payment, and or listing the accounts as open, transferred, in collections and or charged off rather than discharged in Bankruptcy.

21. Defendants Experian Information Solutions, Inc.; Equifax, Inc. and TransUnion, LLC provided notice to the defendants that Plaintiff was disputing the inaccurate or misleading information but each of the furnishers failed to conduct a reasonable investigation of the information as required by the FCRA.

PRAYER FOR RELIEF

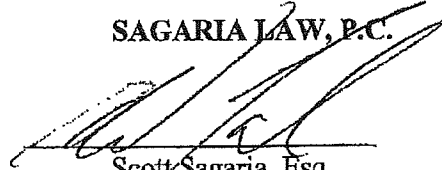
WHEREFORE, Plaintiff prays for judgment as follows:

- a. For preliminary and permanent injunctive relief to stop Defendants from engaging in the conduct described above;
- b. Award statutory and actual damages pursuant to 15 U.S.C. § 1681n;
- c. Award punitive damages in order to deter further unlawful conduct pursuant to 15 U.S.C. § 1681n;
- d. Award attorney's fees and costs of suit incurred herein pursuant to 15 U.S.C. § 1681n & c;
- e. For determination by the Court that Creditor's policies and practices are unlawful and in willful violation of 15 U.S.C. § 1681n, et seq.;
- f. For determination by the Court that Creditor's policies and practices are unlawful and in negligent violation of 15 U.S.C. § 1681o;

SAGARIA LAW, P.C.

Dated: June 15, 2015

By:


Scott Sagaria, Esq.
Elliot Gale, Esq.
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial of this matter by jury.

SAGARIA LAW, P.C.

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Dated: June 15, 2015

/s/ Elliot Gale
Scott Sagaria, Esq.
Elliot Gale, Esq.
Attorneys for Plaintiff